

CIVIL COVER SHEET

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Sarah Allem

DEFENDANTS

Jag Footwear Accessories and Retail Corporation t/a Nine West

(b) County of Residence of First Listed Plaintiff Dauphin
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Dauphin
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
Dion & Goldberger

Samuel A. Dion, Esq., 1845 Walnut Street, Suite 1199
Philadelphia, PA 19103 215-546-6033

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity);

Brief description of cause:

Title VII and Pregnancy Discrimination Act
Wrongful termination

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
 DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

09/25/2014

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SARAH ALLEM	:	
	:	No.
VS.	:	
	:	<u>JURY TRIAL DEMANDED</u>
JAG FOOTWEAR ACCESSORIES AND	:	
RETAIL CORPORATION	:	
t/a NINE WEST	:	

CIVIL ACTION COMPLAINT

COMES NOW, Plaintiff, by counsel, and complains of defendant as follows:

JURISDICTION

1. This Court has jurisdiction over this matter pursuant to the 42 U.S.C. Section 2000(e) et seq. of the Civil Rights Act of 1964 as amended and the Pregnancy Discrimination Act. This Complaint has been filed within 90 days of the receipt by plaintiff of the Notice of Right to Sue by the EEOC which was first received by plaintiff on July 25, 2014 by fax to her attorney's office. (See Exhibit "A" hereto).

PARTIES

2. Plaintiff, Sarah Allem, is a person of Female gender who resides at 1834 Gramercy Place, Hummelstown, PA 17036.

3. Defendant, Jag Footwear Accessories and Retail

Corporation t/a Nine West, is a corporation which operates a chain of shoe stores, and which has a place of business located at Outlet Mall, 114 Outlet Square, Hershey, PA 17033. Defendant employs more than 20 people.

4. Plaintiff was hired as an Assistant Manager of defendant's Store Number 2593 on June 6, 2012. She was not pregnant at the time she was hired.

5. Plaintiff's supervisors included the District Manager, Michelle Hallman and Store 2593 Manager, Carrie (both female).

6. On April 29, 2013, plaintiff first informed Ms. Hallman that she was pregnant.

7. On May 7, 2013, plaintiff was terminated by Ms. Hallman for purportedly disclosing a confidential investigation of Carrie's employee discount practices to Carrie.

8. The proffered reason for plaintiff's termination was false and was pretext to mask the true discriminatory reason for her termination. In fact, it was plaintiff's own report of Carrie's suspicious practices that led to the confidential investigation of Carrie in the first place.

9. The true reason for plaintiff's termination was because she was pregnant.

10. Defendant's agents, including Ms. Hallman, acted against plaintiff in a bigoted, willful and malicious manner because she was pregnant.

11. Defendant and its agents acted at all times material

hereto with their authority to hire, fire and discipline.

12. Defendant and its agents undertook a course of conduct toward plaintiff and terminated plaintiff because she was a female and was pregnant.

13. Plaintiff was subjected to humiliation, embarrassment, and mental anguish as a consequence of the discrimination and termination that she endured.

14. Defendant unlawfully discriminated against plaintiff and terminated her employment in violation of the law. Plaintiff thus seeks damages, including but not limited to, lost pay, lost benefits, compensatory damages for pain and suffering, punitive damages, attorneys fees and costs.

COUNT 1- Pregnancy Discrimination- Title VII

15. Plaintiff repeats paragraphs 1-14 as if more fully set forth herein.

16. By and through its conduct, Defendant violated Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C. Section 2000e, et seq. and the Pregnancy Discrimination Act, by intentionally discriminating against plaintiff by terminating her employment in substantial part because she is a woman and was pregnant.

COUNT 2- Pregnancy Discrimination- PHRA

17. Plaintiff repeats paragraphs 1-16 as if more fully set forth herein.

18. Plaintiff can proceed with a lawsuit pursuant to the Pennsylvania Human relations Act, 43 P.S. 951-963 ("PHRA"). because over one year has passed since her complaint was first filed with the Pennsylvania Human Relations Commission.

19. By and through its conduct, Defendant violated the PHRA, by intentionally discriminating against plaintiff by terminating her employment in substantial part because she is a woman and was pregnant.

20. Pursuant to the PHRA, plaintiff is entitled to recover actual damages including lost pay, lost benefits, compensatory damages for emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment life, and other non pecuniary losses, reasonable attorneys fees and court costs.

WHEREFORE, plaintiff demands that judgment be entered in her favor on Counts 1 and 2 against defendant for lost pay, lost bonuses, lost benefits, other financial losses, liquidated damages, compensatory damages for emotional pain and suffering, punitive damages, attorneys fees, costs, interest, reinstatement of employment and any other relief that this Honorable Court deems to be fair and proper.

/s/ Samuel A. Dion

Samuel A. Dion, Esq.
Signature Code: SAD2282
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/s/ Richard B. Bateman, Jr.

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Fax: (610) 548-9986
Email: batemanlaw@aol.com

Attorneys for Plaintiff

EXHIBIT A

EEOC Form 161-B (10/96)

U.S. Equal Employment Opportunity Commission

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Sarah Allen
1834 Gramercy Place
Hummelstown, PA 17036

From: Equal Employment Opportunity Commission
Philadelphia District Office
801 Market Street, PH Suite 1300
Philadelphia, PA 19107-3127

[] On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.	EEOC Representative	Telephone No.
530-2013-02534	Legal Unit	(215) 440-2828

(See also the additional information attached to this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- [X] More than 180 days have passed since the filing of this charge.
- [] Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
- [X] The EEOC is terminating its processing of this charge.
- [] The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- [] The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- [] The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Spencer H. Lewis, Jr. District Director

3/13/14

(Date Mailed)

Enclosure(s)

cc: NINE WEST
Samuel A Dion, Esq. (for Charging Party)
Carrie Dudley, Site Manager (for Respondent)

Jul. 18. 2014 11:03AM

No. 5254 P. 2

**DION &
GOLDBERGER**

ATTORNEYS AT LAW

Samuel A. Dion
*Member of PA and NJ Bar*Benson L. Goldberger
Member of PA Bar

July 17, 2014

1845 Walnut Street
Suite 1799
Philadelphia, PA 19103
(215) 546-6033
Toll Free (800) 346-6726
Fax (215) 546-6269
Website www.dionandgoldberger.com***-URGENT MATTER- REQUESTS FOR RIGHT TO SUE-***EEOC
Penthouse-- Suite 1300
801 Market Street
Philadelphia, PA 19107

Attn: Joan Gmitter

Re: Sarah Allen v. Jag Footwear
530-2013-02534

Dear Ms. Gmitter:

Can you please expedite the above-referenced Right to Sue Letter. It looks like the case is ready to go. Thank you for your anticipated cooperation with this matter.

Very truly yours,



SAMUEL A. DION

ENCLOSURE

VIA FAX (215-440-2604)